

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: Marketxt Holdings Corp.

Alan Nisselson, As Chapter 11 Trustee, and Official
Committee of Unsecured Creditors,
Plaintiffs,

v.

Empyrean Investment Fund, LP, Empyrean General Partner,
LLC, Ash Master Fund, LP, Ash Master Fund, II, LLC, Ash
Master Fund II, LP, Ash Fund, LP f/k/a Empyrean Fund, LP,
Empyrean Fund, LP, Ash Fund, LP f/k/a Empyrean Investment
Fund, LP, Ash Fund II, LP, Ash Capital, LLC f/k/a Ash Capital
Management, Ash General Partner, LLC, Ash Offshore Fund
Ltd., Ash General Partner Offshore, Ltd., and Ash Market
Neutral Fund, Ltd.
Defendant.

FROM: KATHLEEN FARRELL-WILLOUGHBY, CLERK
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

TO: J.MICHAEL MCMAHON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: **Marketxt Holdings Corp.**

DATE OF FILING NOTICE OF APPEAL: 11/19/2007

BANKRUPTCY CASE: 05-1268A (ALG)

The above- referenced case is forwarded to District Court for possible dismissal. Petitioner has failed file a Designation of Items to be Included in the Record as required by:

- ☒ FRBP 8006
☐ Federal Rules of Civil Procedure (Rule _____)
☐ 28 U.S.C. 1930 (9), (16)- the requirement to pay a filing fee

Dated: **August 4, 2008**
New York, New York

Internal Control #: 353

Kathleen Farrell-Willoughby, Clerk
U.S. Bankruptcy Court, SDNY

By: [Signature]
Deputy Clerk

ORDER

For the reason(s) set forth above, the appeal is deemed abandoned, and **IT IS THEREFORE ORDERED** that the appeal in the above-entitled action is hereby **DISMISSED**.

Dated 8/20 2008
New York, New York

RMB
Judge, United States District Court

I hereby certify that I have this day forwarded a copy of this order to the Clerk of the Bankruptcy Court for the Southern District of New York.

District Court Document # _____

J.Michael McMahon, Clerk
District Court, SDNY

By: _____
Deputy Clerk

See also Court Order of 8/20/08

**ORDER OF DISMISSAL
FOR
FAILURE TO PROSECUTE
BANKRUPTCY APPEAL**

08-CV-6936 RMB

